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HISTORICAL SKETCH  
OF  
CHARLES S. HEMPSTEAD

BY  
HON. E. B. WASHBURN,  
*UNITED STATES MINISTER TO FRANCE.*

TO WHICH IS APPENDED  
A MEMOIR OF  
EDWARD HEMPSTEAD,

First Delegate to Congress from the Western Side of the Mississippi  
River, Representing Missouri Territory from 1811-14.

BY  
HON. THOMAS H. BENTON.

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GALENA:  
GAZETTE BOOK AND JOB PRINTING HOUSE,  
1875.



## LETTER OF HON. E. B. WASHBURN,

UNITED STATES MINISTER TO FRANCE.

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PARIS JANUARY 15 1875.

*Captain Daniel Smith Harris, President of the Early Settler's Association, Galena, Joe Daviess Co., Illinois.*

MY DEAR SIR:—We have intelligence of the death of Mr. CHARLES S. HEMPSTEAD, which occurred at Galena on the 10th of December last. My personal, professional, and political associations with him for more than a third of a century impel me to write you some notice of his life which may go into the archives of your Association. At the time of his death he was probably the oldest member of our Association, and there are few living who settled in Joe Daviess County at as early a period as Mr. Hempstead. He had seen so much of the settlement and development of the country, was so intimately identified with all that pertained to its progress and improvement, and had himself done so much to advance its interests, that there seems to be a propriety in addressing you, as the President of the Association, the paper which I propose. In illustrating the incidents of Mr. Hempstead's career, I may have occasion to weave in notices of many persons with whom he was associated and which may add a certain interest to this sketch.

Mr. Hempstead was the son of Stephen Hempstead, a native of New London, Connecticut, belonging to a family



of the earliest settlers of that colony. On the breaking out of the revolution, the father joined the patriot army with the greatest ardor, and was with the first troops which assembled at Boston after the battle of Lexington, on the 19th of April, 1775. He was with Washington and arrived at New York in July, 1776, when the Declaration of Independence was read to the troops. He witnessed the pulling down of the royal insignia when the words, "free sovereign and independent States" were repeated and acclaimed. In the same year he was one of the forlorn hope sent on a perilous expedition in the 'fire ships' that attacked the British frigates in North river. He was attached to the same company as Captain Nathan Hale, the "Martyr Spy," was his steadfast friend and accompanied him on his fatal mission. In 1811, he removed to St. Louis, Missouri, where three of his sons had preceded him, and settled on a farm a few miles from the present city. He was a man of great intelligence, of the strictest probity, of the purest character, and died universally respected and venerated by all classes of the community. He and his whole family were always the firm friends of Col. Benton, and their friendship was fully reciprocated by that distinguished man down to the last day of his life. It was my fortune to serve in the House of Representatives with Col. Benton in the Thirty-fourth Congress, and knowing my relationship by marriage both to the Hempstead and to the Gratiot families, who were equally his friends, as a young member of Congress, he always treated me with the utmost kindness and consideration.

I recollect a call that I made upon him on the evening of New Year's day, in 1856. I found him quite alone and in excellent spirits. He commenced at once to speak of the Hempstead's and the Gratiot's, and of the olden times in St. Louis. Of Mr. Hempstead, the father, he spoke in the most expressive and beautiful language. He said:

"Mr. Hempstead was a true and brave man, a man pure and without reproach, fearing God and discharging every public and private duty with scrupulous exactness; he united benevolence with true piety, and in him patriotism was sublimated to the highest degree. In the words of Scripture, he "has been blessed in all his generation." Missouri met with an irreparable loss when his son Edward Hempstead died. No man could have stood higher in public or private estimation, and had he lived he would have received every honor that the State could bestow, and would certainly have been the first United States Senator. He lost his life in serving a friend, Mr. Scott. I was with him the night of his death " Here he paused a moment, as if in thought, and then continued abruptly, \* \* \*

\* " Sir, how we did things in those days ! After being up with my dead friend all night, I went to my office in the morning to refresh myself a little before going out to bury him five miles from the town. While sitting at my table writing, a man brought me a challenge to fight a duel. I told the bearer instantler, " I accept ; but I must now go and bury a dead friend ; that is my first duty, after that is discharged I will fight, to-night, if possible ; if not, to-morrow morning at day-break. I accept your challenge, sir, and Col. Lawless will write the acceptance and fix the terms for me." I was outraged, sir. that the challenge should have been sent when I was burying a friend. I thought it might have been kept a few days, but when it came, I was ready for it."

In this interview with Col. Benton, I was so strongly impressed by his forcible language, the touching tribute he paid to his friend and his characteristic manner, that when I returned to my room I put down his words in writing as I quote them to you now.

The remark of Col. Benton that Edward Hempstead died in serving a friend, referred to the fact that while as-

sisting his friend, Hon. John Scott, of St. Genevieve, then a candidate for Congress, in a campaign, he fell from his horse and received a fatal injury. The challenge of which he spoke was from Capt. Charles Lucas. The duel grew nominally out of political differences, but really out of jealousy on the part of Lucas toward Col. Benton. At the time of an election, Lucas, without cause, challenged the vote of Benton. Upon this, Benton turned to the judges of election and said, "Gentlemen, if *you* have questions to ask, I am prepared to answer, but I do not propose to answer charges made by any puppy who may happen to run across my path." Lucas challenged Benton, and they fought on Bloody Island, opposite St. Louis. Judge Lawless acting as second to Col. Benton. I do not know who was the second of Capt. Lucas. Lucas was wounded at the first fire. Supposing the wound more dangerous than it proved, the seconds arranged for a cessation of the combat. Col. Benton acceded with the understanding that Lucas should hold himself in readiness to again take the field whenever he, Benton, might demand it. It was believed that the matter would have dropped there, had it not been for the impudence of Lucas and some of his friends who talked loudly and accused Col. Benton of taking an unfair advantage of Lucas' inexperience as a duelist. Shortly afterwards Col. Benton again called Lucas into the field, when Lucas fell dead at the first fire.

Mr. Charles S. Hempstead was born at Hebron, Tolland County, Connecticut, Sept. 10, 1794. His eldest brother, Edward Hempstead, who will be referred to hereafter, having removed to the then province of Louisiana, and settled in the little French village of St. Louis, in the fall of 1804. In 1809, when only fifteen years old, he and his brother Thomas Hempstead, determined to join their brother Edward. Up to this time, he had received the advantages of education which could be had at the New London Academy.

There were at that time but two principal routes from the Atlantic States to St. Louis—the one by sailing vessels to Philadelphia, thence in Conestoga wagons over the mountains to Pittsburg, thence by keel, flat-boat, or canoe down the Ohio river to its mouth, and thence up the Mississippi to St. Louis. The other, and the route that Mr. Hempstead and his brother took, was by schooner to Alexandria, Virginia, thence overland by Conestoga wagons to some point on the Ohio river.

They left New London in a schooner for Alexandria, in the latter part of August, 1809. From Alexandria they traveled via Winchester and Romney, Harrison County, to Clarksburg, in Western Virginia. Upon arriving at Clarksburg they ascertained that the Ohio river was so low as to render navigation difficult, in consequence of which they were obliged to stop for a short time on their journey. A rise in the river having taken place, the two travelers took a canoe at Marietta, laid in the necessary supply of provisions and started for Shawneetown, Illinois, where they arrived safely in the latter part of October. Arriving at Shawneetown, neither saddle horses nor conveyances of any kind could be obtained, and the only way the travelers could get forward was on foot, and they walked from Shawneetown to Kaskaskia, traversing the breadth of what is now the State of Illinois, a distance of 150 miles. On the 3rd of February, 1809, the same year, Illinois had been organized as a territory, with Kaskaskia as the seat of the territorial government, and Judge Nathaniel Pope, one of the territorial judges. The Judge warmly welcomed the two young travelers, for he was a warm friend of their brother Edward.

Arriving at St. Louis in October, 1809, Mr. Hempstead immediately went into the office of his brother as a law student. At that time St. Louis contained a population of only about 1,500 souls, of whom not more than sixty

families were English speaking. There was not even a single brick house, not even a brick chimney in the place. The town was then almost as thoroughly French as any provincial town of France to-day, with the French language, with French usages, habits and manners. The early French settlers were men of enterprise, intelligence and energy, and preserved much of the polish and grace characteristic of their nationality. In that remote western village there were many families whose manners exhibited the refinement and polish of the most elegant French society.

Edward Hempstead, the brother who has been alluded to, was one of the earliest and most distinguished settlers of the province of Louisiana. He had studied law and been admitted to the bar of Connecticut, his native State, in 1801, had afterwards removed to Newport, Rhode Island, where he became the law partner of Hon. Asher Robbins, a distinguished member of the Rhode Island bar, and subsequently one of the Senators of that State in Congress. No sooner had our Government acquired the province of Louisiana from France, than Mr. Hempstead determined to remove to the west side of the Mississippi river. He finally settled at St. Louis, and entered at once into an extensive and successful practice of law in the counties of upper Louisiana adjacent to St. Louis, and in the counties of "the Illinois Country," on the Mississippi river opposite. He was appointed in 1804 by General Wm. H. Harrison, then Governor of the Territory of Indiana, and ex-officio Governor of Upper Louisiana, to several important positions in the latter territory. In 1812, when the territory of Louisiana was admitted to the grade of territorial government and became entitled to a delegate in Congress, it was justly considered a most honorable distinction to be the first delegate from the west bank of the Mississippi, and Mr. Hempstead had the good fortune to be the choice of

his fellow-citizens for that position. He served through one term of two years, and having obtained the passage of some laws of great importance for the adjustment of land claims, and for the defence of the exposed posts of Missouri Territory, he declined a re-election and returned to the practice of the law. It was in 1817 he met with the accident before alluded to—falling from his horse—which put an end to his life.

After pursuing his studies in the office of his brother Edward, Mr. Hempstead was admitted to practice law in the territory of Missouri by a license dated St. Charles, Missouri, Sept. 13th, 1814, signed by Alexander Stewart and John B. C. Lucas, Judges of the Supreme Court of Missouri Territory. At very nearly the same time, he was admitted to practice law in the territory of Illinois by a license signed by J. B. Thomas and Stanley Griswold, Judges of the District Court of said territory. After remaining in St. Louis about one year after his admission to the bar, he removed to St. Genevieve and entered upon the practice of his profession, and the discharge of the duties of Attorney General of the southern circuit of Missouri, to which position he had been appointed by the then Governor of Missouri Territory. St. Genevieve at that time was almost as important a point as St. Louis and was as completely a French settlement. It was the residence of many distinguished men of the earlier days. Here lived John Scott, the distinguished lawyer, who was the first Representative in Congress from Missouri. General Dodge, afterwards the Governor of Wisconsin Territory, and the first United States Senator from Wisconsin, lived here at that time. Dr. Linn had already settled there as a young physician. The village was then the headquarters of the celebrated duelist, John Smith "T," whose name was for years the terror of the whole country. It is said that he killed during his life in duels and personal rencontres no

less than fourteen men. Remaining there until 1817, he returned to St. Louis in consequence of the death of his brother Edward, to take charge of his legal business and the settlement of his estate. In 1818-19, he was elected to fill a vacancy in the Missouri territorial legislature, which was the only legislative position he ever held—this not from want of opportunity and repeated solicitation, but from a decided aversion to political life. He continued to practice law in Missouri from that time until the spring of 1829. During his residence in Missouri, Mr. Hempstead was the associate of many of the distinguished men of his time, and between him and them there existed the strongest ties of friendship. Among them were some of the most eminent statesmen, lawyers and politicians. There was Col. Benton, of whom I have spoken. There was David Barton, who was his colleague in the Senate—a man of extraordinary talent and eloquence, whose name is cherished as a part of the history of Missouri. There were also Joshua Barton, his brother, an eminent lawyer; Josiah Spaulding, Henry S. Geyer, afterwards United States Senator; Edward Bates, Attorney General under Mr. Lincoln, who sprang into a national reputation by his single speech at the Chicago Convention in 1847; Hamilton Gamble, who became Provisional Governor of Missouri in 1861; Rufus Easton, a man of such unrivaled conversational powers, that none who ever met him forgot the fascinating flow of his words; Spencer Pettis, afterwards a member of Congress, who fell in the dreadful duel with Biddle, when both were killed; Dr. Lewis F. Linn, of St. Genevieve, so long the colleague of Benton, in the Senate. Dr. Linn was but a practicing physician in the remote and unimportant village of St. Genevieve, and was no ordinary man. To ripe learning and rare intelligence he united the most captivating personal qualities. Of splendid presence, agreeable manners and genial disposition, he was a universal favorite,

and would have graced the most polite circles of the world.

The year 1829 witnessed a heavy emigration to the Fevre River lead mines. Large discoveries of lead ore had been made a year or two before by Col. Johnson and others, and the tales of fabulous mineral wealth in that country had induced a great influx of population, mostly from middle and southern Illinois and from Missouri, Kentucky and Tennessee; some from Ohio and Indiana and a few from the Eastern States. The name Galena (lead ore) which happily gives an idea of the country, had been adopted some time before. It was at this time that Mr. Hempstead removed from St. Louis to enter on his profession in a field which offered great encouragement to a man of his ability, character and business habits. It is sad to reflect how few of the men, even those then under middle age, who settled in the country at that time are still alive. You and your brother Scribe, who were boys then, were there; Mr. Wann, Captain Hathaway and Mr. Soulard are still with us—types of a large class of men who by their probity, intelligence and honorable lives have illustrated the annals of our early settlement.

At the time Mr. Hempstead settled in Galena, the whole northern part of our State was included in two counties. One was the county which bears the name of Daniel P. Cook the second member of Congress from Illinois, who for six years represented the State with distinguished ability in that body, and though a representative from one of the most remote States during that period rose to the high position of Chairman of the Committee of Ways and Means. He was a man of talent, endowed with rare powers of eloquence and was regarded as one of the rising statesmen of the age. His brilliant career was cut short by his death at the early age of 32 years. His name has been properly perpetuated by being given to the most populous and wealthy county in the State. The other county was



Joe Daviess (of which Galena was the county seat,) and which then embraced the northwestern part of the State. It was named in honor of Col. Joseph Hamilton Daviess of Kentucky, one of the great lawyers of his time, whose rude eloquence at the hustings and in the forum made him a great name, and who fell gallantly fighting, at the head of his regiment, at the battle of Tippecanoe. It is often said that Joe Daviess was a strange name to be given to a county, but it perpetuates the name of a man whose memory was dear to a large class of our early settlers who knew him and always called him "Joe Daviess." After the county was named by the Legislature, various efforts were made to strike out the prefix "Joe" but they always failed; and to-day a proposition to change the name would receive the protest of every loyal son of the county. To an old settler there would be nothing in the name "Daviess" county to recall the bluff and impulsive Colonel Joe, who was the popular favorite half a century ago.

At the time of his death, Mr. Hempstead was probably the oldest member of the Illinois bar. For forty-six years he had been a member of that bar. There were but few lawyers who preceeded him at Galena. Among them were Thomas Ford, afterwards Governor of the State, who had practiced law there for a short time; Jesse B. Thomas, afterwards a distinguished Judge of the Supreme Court of the State, and a Mr. Morrow of the State of Missouri, who afterwards became a Judge in that State had also been a member of the Galena bar for a short time previous. Those who were residing and practicing law in Galena in 1829, were Wm. Smith, Colonel James M. Strode, Benjamin Mills and John Turney. William Smith was a sound and well read lawyer and a highly educated man, but impaired by his health, he had settled at an early period in that far off country. Colonel Strode was a man who afterwards became well known, not only as a lawyer, but as

the Colonel of the 27th regiment of the Illinois militia in the Black Hawk War.

Benjamin Mills was from Massachusetts. There has scarcely been his equal at the bar in Illinois since his time. He was profoundly read in his profession and was gifted with a remarkable eloquence. According to my recollection he was the National Republican candidate for Congress against William L. May in 1834, and was defeated by only a small majority. The cause of that defeat was a cruel one. At the time of the Black Hawk war, when terror had seized all the inhabitants of our section of the country, Mr. Mills as a man of the highest character, ability and influence, was selected to go to Washington to lay the state of affairs before the authorities and hurry forward relief to the terror stricken settlers of the frontier. In the canvass it was made a point against him that instead of remaining at home, and sharing the dangers of the hour with his people, he had seized the pretext of going to Washington. I well recollect the account which was given to me by Squire Clarkes of a speech made by Mr. Mills at this time to the miners in one of our mining settlements. They had gathered in large numbers from the neighboring diggings, for his gifts as an orator were well known. Taking his position on a pile of mineral dirt he commenced amid the profoundest attention and proceeding with his defence when in eloquent tones he exposed the cruel slanders that had been heaped upon him, he excited his hearers to the highest degree of indignation, for that auditory, though rough and impulsive in manner, had a strong sense of justice that sternly resented the wrong done to Mr. Mills.

His health failing him a few years afterwards he returned to Massachusetts to die.

John Turney was a Tennessean, a sound lawyer and able man who resided at Galena up to the time of his death.

He was one of the Government Commissioners to settle the title to lots in Galena.

In the winters of 1830-31, Mr. Hempstead visited Washington and was a witness in the impeachment case of James H. Peck, U. S. District Judge for the State of Missouri, a trial which excited the highest degree of public interest, both on account of the character and position of the party accused, and the great ability and reputation of the managers on the part of the House and the counsel for Judge Peck. The array of legal talent on both sides was surpassingly brilliant. The managers were Hon. James Buchanan afterwards President of the United States, Hon. George McDuffie, the impetuous representative from South Carolina, Hon. Ambrose Spencer who had been Chief Justice of New York, Hon. Henry R. Storrs, the great lawyer of that State, and Hon. Charles A. Wickliffe of Kentucky, afterwards Postmaster General. The counsel for the defence were Hon. Wm. Wirt, late Attorney General of the United States, who for twenty years stood in the very front rank of the American bar, and Hon. Wm. M. Meredith, afterwards Secretary of the Treasury. Mr. Hempstead attended the trial and listened to all the arguments which were made in the case. Luke E. Lawless, one of the early lawyers of St. Louis, was the main man in the prosecution. He had been stricken from the roll of lawyers in Judge Peck's court and imprisoned for writing a communication in a newspaper criticising one of the Judge's decisions. The first time I visited St. Louis which was in the spring of 1840, I saw Judge Lawless on the bench of one of the higher courts of the State; a man whose striking personal appearance could not be effaced from one's memory and who presided with great ability and dignity.

Mr. Hempstead was most fortunate on the occasion of his visit to Washington. Not only was Judge Peck on

trial before the Senate as a high court of impeachment, but the same body was the theatre of the greatest debate ever heard within its walls. This was the celebrated discussion on Foot's resolution, to all of which he listened. It is no exaggeration to say that at that time the Senate of the United States was in point of intellect, statesmanship and eloquence, a deliberative body unequalled in the world. The mention of the names of some of the Senators recalls the great days of the Republic—Webster in the prime of his intellectual and physical power, Hayne, his famous opponent, Peleg Sprague, of Maine, Clayton, of Delaware, and Tazwell and Tyler, of Virginia, Forsythe of Georgia, Hugh L. White and Felix Grundy of Tennessee, Poindexter of Mississippi, King of Alabama, afterwards Minister to France and Vice President, Benton and Barton of Missouri, Edward Livingston of Louisiana and others. More than once he recounted to me the incidents of that debate and the effect of the speech of Webster, which will stand out in all time as a master-piece of eloquence, power and logic, never surpassed in ancient or modern times and which stamped the Senator from Massachusetts as the intellectual giant of the age. Since the death of Mr. Hempstead I take it no man lives in Illinois who heard that debate, or was present and heard the trial of Judge Peck.

At this time General Jackson was President, and John C. Calhoun was Vice President, Andrew Stevenson was Speaker of the House of Representatives and the illustrious John Marshall, Chief Justice of the United States, Elias Kent Kane and David J. Baker were the Senators from Illinois. Baker was there only a short time, by the appointment of the Governor to fill the vacancy occasioned by the death of Hon. John McLean, who died Oct. 4 1830. Mr. McLean was the first member of Congress from the State, Daniel P. Cook was the second. Kane was an able and accomplished man, devoted to the interests of the State, and

rose to a high position in the Senate. His memory will be perpetuated by the rich and prosperous county that bears his name. He died of a malignant fever at Washington on the 11th of January 1835.

Taking advantage of his being at Washington, Mr. Hempstead made a visit of a few days to Richmond, Virginia, and enjoyed the great privilege of seeing in session the celebrated Virginia Constitutional Convention, composed of the greatest men of the old Dominion, whose discussion, the work of unrivaled genius and learning, have been a storehouse of information in political science and a manual of reference of similar bodies in the United States since that time. The fame of many of the members had extended beyond Virginia to the farthest limits of the country. There were men of all parties and all shades of opinion—James Madison and John Marshall, side by side, Giles and Monroe, John Randolph of Roanoke, Littleton W. Tazwell, Garnett, Watkins Leigh, and Chapman Johnson, John Taylor of Caroline and Charles Fenton Mercer—old Federalist and old Democrats, and modern National Republicans

When I settled at Galena, in April, 1840, Mr. Hempstead was the oldest member of the bar with a very large and lucrative practice. With a reputation for unswerving honesty and fidelity, foreign clients entrusted him with their collections through that whole section of the country. He had more cases on the calendar at that time than all the members of the bar had twenty years afterwards. At that period the Galena bar was composed of Messrs. Hempstead, Turney, Hoge, Drummond, Thompson Campbell, John Stark, Allan Tomlin, and Artemas L. Holmes. Col. Strode had left a year or two before, and located at Little Fort, now Waukegan, Lake County. The late Hon. Dan. Stone was then Judge of the Circuit Court. Of these members of the bar at that time, all are dead except Hoge, Drummond and Tomlin.

Mr. Hempstead having a partial paralysis of the fingers of his right hand, could only write with much difficulty, and in the fall of 1840, finding me a new comer in the country and practically a briefless young lawyer, he proposed that I should take a desk in his office, board in his family, and in return assist him in his writing. This not only was not to prevent me from doing business on my own account, but he was to turn over to me certain small business that had been entrusted to him. I remained with him a year, when my own business had so much increased that it became my interest to take an office by myself. It was in 1841 that Galena was incorporated as a city, and Mr. Hempstead was elected first Mayor. The year that I was with him passed most pleasantly, and from that time commenced a friendship with him and his family which has ever since existed without change or shadow of turning. In 1845, we associated ourselves as law partners, and continued as such for some time after I was elected to Congress, in 1852.

At the bar, Mr. Hempstead was regarded as an able lawyer, a man of sound legal judgment and the highest professional honor. He was not a fluent speaker, but his addresses to the jury were always effective, for his high and dignified character added to his forcible presentation of his case. His intercourse with the bar and the bench was always marked by the utmost dignity and courtesy; and no man ever saw him betrayed into any wrangle with the opposing counsel or the court when trying a case. He was never a fermenter of litigation, never made the Court of Justice an engine of oppression; but on the other hand, he endeavored, whenever it was possible, to harmonize disputes without resorting to the courts.

When Mr. Hempstead settled in Galena in May, 1829, Ninian Edwards was Governor, Joseph Duncan, Representative in Congress, and Elias Kent Kane and John McLean,

Senators. The latter gentleman died the next year. Smith, Wilson, Lockwood and Browne were Judges of the Supreme Court. General Jackson had been elected President the Fall before, and so uncertain were the boundaries between Illinois and what was then Michigan Territory, that a poll was opened at what is now Platteville, Wisconsin, and the settlers voted for President as being residents of our State. Illinois gave three electoral votes to General Jackson. Richard M. Young, afterwards United States Senator, John Taylor and Alexander M. Houston were the electors. Who these two last named gentlemen were I do not know.

Scarcely a prominent public man of that day in Illinois is now alive. One who survives is the venerable Judge Breese, of the present Supreme Court of the State. He was a very early settler. I do not know the exact year when he came to the State. At any rate, it is safe to say that there is not now a man in the State who knows as much of its early history as he does. No man living there has been so thoroughly identified with all its history ; has been so much a part of it, and who, at the bar, in the Senate House, and on the bench has so long and so ably illustrated its annals. The reports of the Supreme Court attest his profound knowledge of the law, the vigor of his intellect, the ripeness of his scholarship and the peculiar grace of his diction. No Judge who ever sat on the bench could touch the very heart and soul of a lawsuit with more unerring certainty, and his opinions will live as long as the jurisprudence of the State shall exist.

At this time there was immense activity in the lead mines. Col. Wm. S. Hamilton, the son of Alexander Hamilton, so well known to all our early settlers, was smelting at "Hamilton's Diggings," now Wiota, Wisconsin. The Gratiots were running no less than nine log smelting furnaces at Gratiot's Grove, where there was then a most

bustling and busy village of some 1,500 people, and where now scarcely a vestige of a habitation can be seen in the neighborhood. Uncle Jimmy Bennett once told me that he went there with a load of mineral from the old Allen-wrath diggings up Fevre river, and had to wait from morning until night in order to have his mineral weighed, so great was the press of business. Parker, Tilton & Co. had a big establishment at what was then called "Ottawa," three miles above Galena, on Fevre river, now disappeared; and Captain M. C. Comstock had just put up that large and unsightly frame building on the levee, as a warehouse.

In the summer and fall of 1829, Mr. Hempstead was the Secretary of the Commission, composed of Gen. John McNeil, U. S. Army, Caleb Atwater and Col. Pierre Menard, which treated at Prairie du Chien, then in Michigan Territory, with the Pottowatomie and Winnebago Indians for their lands, now comprised in northern Illinois and southern Wisconsin. In the same year he was appointed by Lewis Cass, then Governor of Michigan Territory, District Attorney for the Eleventh District of said Territory. He was re-appointed in 1834 to the same office by Stevens T. Mason, then acting Governor of Michigan Territory, but he declined the appointment. The courts that he then attended were held at Mineral Point and at Prairie du Chien.

In 1833, he was present at Chicago when the treaty was made by Governor Porter, of Michigan, with the Potowatomie Indians—an occasion long to be remembered for the thousands of Indians then assembled at the treaty grounds on the north side of the river, near the old Lake House.

Mr. Hempstead was one of the most public spirited of men. He was always first and foremost in every enterprise which affected the general interest, and ever ready to contribute time and money to advance the public prosperity. He was one of the most prominent men in that



great pioneer enterprise, the Galena and Chicago Union Railroad, of which he was a director in the first Board, and served in that capacity for many years. Though in no sense a politician he always took a great interest in political affairs, and was thoroughly patriotic and devoted to the public welfare. Desiring to be useful to his country in its hour of peril, soon after the breaking out of the rebellion he accepted the office of Assistant Paymaster of the Army, voluntarily tendered him by Mr. Lincoln, and no officer ever served more faithfully and satisfactorily than he did up to the close of the war.

But it was as a citizen and in private life that the virtues of Mr. Hempstead shone out most conspicuously. Associating himself early with the Presbyterian Church, during his whole life he was an example of the highest type of the christian gentleman. Under all circumstances and in all times, in the roughest society of those early days, he invariably preserved the bearing, dress and manners of a gentleman. Knowing what was due to himself, he always appreciated what was due to others and never in my life did I know of an indignity being offered to him. His evenness of temper was remarkable, and in all my intercourse with him I scarcely ever saw him ruffled or disturbed. I think he was the most just man I ever knew. No man was ever more scrupulous and exact in all his dealings, and I believe it can be truly said that he never wronged a single human being. No one was ever more kind to the poor, no man had more consideration for the lowly. In his own family, he was the most charming of men, and for forty years his house was the seat of the most refined and generous hospitality. Strangers from distant cities who found themselves his guests in the earlier times, in our then remote town, were equally surprised and delighted at the elegance and grace with which they were entertained.

have thus sketched hurriedly and imperfectly, some of

the incidents in the life of our deceased friend. I have felt it to be fitting that a tribute should be paid to the memory of a man who was a connecting link with the age gone by, and whose career was so interwoven not only with the history of our immediate locality, but with the earlier settlement of the west and northwest, who lived to witness such changes and progress as has never been recorded in history and who brought to us the recollections of a period in the history of our country which have an interest rarely paralleled in the annals of the nation.

I am, very truly,                      Your friend,

E. B. WASHBURN.

## *MEMOIR OF EDWARD HEMPSTEAD,*

First Delegate to Congress from the Western Side of the Mississippi  
River, Representing Missouri Territory from 1811-14.

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*BY HON. THOMAS H. BENTON.*

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[WRITTEN IN 1818.]

The lives of useful and eminent men should be written, not for the dead, but for the living. They should display not a vain panegyric, but a detail of circumstances which would lead the living to the same line of conduct and the same honorable result.

A young man coming to the age of manhood, and entering upon life, on his own account, sees three roads lying open before. To do nothing, and so sink down into insignificance, and perhaps, to do a little, and so preserve himself in whatever place the accident of birth had placed; to do much, by placing an honorable object ahead of him, by marching steadily upon it, and becoming the founder of character and fortune for himself and posterity. Happy are those who take the latter alternative. Thrice happy, because they never fail. No matter from how small a beginning is the point of departure, no matter what difficulties, what humiliations, attend the first efforts, and the march of the first years; let him persevere, and sooner or later his course begins to be observed, generous and considerate men give him their countenance and support, and

an honorable rank in society becomes the certain recompense of his meritorious determination. If he has not gained all that he proposed to himself, if he has not entirely attained the object which he had placed before him, let him still look back to the point from which he set out, see the condition of those who were then his equal, but who did not emulate his example, and he will find abundant reason for adoring that divine goodness which gives as well here, as hereafter, a certain recompense, to an honorable and upright life.

Of those who have marked out a path for themselves, who have placed an honorable object ahead and marched steadily upon it, Mr. Hempstead is one; and the details of his early difficulties may become an honorable incitement to those who, like him, wish to lay with their own hands the foundation of character and fortune for themselves and posterity.

He was the son of Mr. Stephen Hempstead, whose life deserves to be noted as a worthy preface to that of his son.

Mr. Stephen H. was an inhabitant of Connecticut, and just entering on the stage of manhood when the revolution was about to break out. On the spilling of the first American blood at Lexington, 19th of April, 1775, Mr. Hempstead, then twenty-two years of age, volunteered as a private soldier into the service of his country. He went from New London, in Connecticut, to Boston, served a term of six months, and was present at the affairs of Cambridge, Bunker's (Breed's) Hill and Roxbury, and had the pleasure to see the British evacuate Boston. Upon the expiration of his first term he entered the service for a second term, as a Sergeant in Capt. Hale's company, and marched to New York. Hale was Captain in Col. Webb's regiment of continental troops. The British now occupied Long Island and New York City, and the Americans lay on Haerlem Heights. Gen. Washington, anxious to know the strength

and position of the enemy, had engaged Capt. Hale to examine it. It was in the night of — September, 1776, that Capt. H. sent for Mr. H. to his tent, told him of the General's request, that he had consented to do so, notwithstanding his ill health and the danger of the undertaking, and that it was his wish that Mr. H. should go with him, but left it entirely to himself to agree or refuse. Mr. H. agreed to go, and the next morning, on foot and without other companions, they set out to Norwalk, in Connecticut, 60 miles distant. At Norwalk they went on board the row galley Mifflin, and crossed the sound to Huntingdon on Long Island. On board the galley Capt. Hale gave his commission and uniform to Mr. Hempstead, assumed the dress and character of a schoolmaster, his diploma of graduate in Cambridge college in his pocket. They separated on the beach; Capt. Hale directing Mr. Hempstead to wait in the galley—wait for him a certain time, and if no signal was given, to return to the American army at Haerlem Heights. The time expired, Capt. H. did not appear; Mr. H. returned to the American camp on Haerlem Heights. He there learned the fate of his Captain. This fine young man lost his life by changing the plan of his return. He had accomplished all the objects of his journey, when seduced by the project of crossing the sound from Brooklyn to the American army in New York, then in full view, instead of going back by a circuitous route of 60 miles, he made the attempt, had passed all dangers, as he thought, and arrived within half a mile of Col. Knowlton's command, when he was recognized by a Tory relation of his own, seized, led to the British headquarters, and hung on the first tree without the formality of a court martial. This was the 22d of September, 1776. Capt. Hale was one of the first martyrs to American liberty. His name is hardly found in a book of the revolution, while that of Andre attracts the studied panegyric of every historian.

Mr. H. followed Gen. Washington in the noble retreat from Long Island, Sept. 1776.

He volunteered to go in one of the fire-ships directed by the General, to burn the *Asia*, a man-of-war of 84 guns, then in the Hudson river above New York, was grappled to for twenty minutes and exposed to the fire of the cannon and small arms of the *Asia* and a frigate, without having a man killed, and tho' unsuccessful, the expedition was so satisfactory to Gen. Washington that he thanked them in general orders, and directed \$40 to be paid to each man.

October 27th Mr. Hempstead was on Haerlem Heights, and had two ribs broken from the grape-shot of a British field piece, and did not recover of his wound till the expiration of his term of service in 1777.

The next year he entered into the State service of Connecticut, and on the capture of Fort Trumbull in 1780, he retreated to Fort Griswold, on the river Thames, near New London. A division of Arnold's army marched against this fort, which was stormed, the garrison chiefly massacred, and the commanding officer, Col. Ledyard, ran thro' with his own sword, after his surrender. In this carnage Mr. H. came in for a full share of its dangers. He had received one musket ball through his left arm, another struck him in the temple and produced a great effusion of blood, and was bayoneted in the right hip. To finish him he was stripped and thrown into a wagon among many others wounded, which was drawn to the brow of the hill by British soldiers, and started down the hill to run into the river. Fortunately the wagon brought up against a stump, and the ferocious enemy was too much occupied with other matters to give it a new start.

The capture of the fort exposed the town of New London. It was sacked and burnt by the *Traitor Arnold*. Mr. Hempstead's family lived there, and shared the fate of the place. Their house and property was destroyed, and his wife with

some young children, and afflicted with the small pox, fled six miles through the country. Edward, the subject of this notice, was one of those, and at the age of 15 months drank with his mother's milk detestation and hatred to the Englishmen and to traitors.

Mr. Hempstead did not again enter the army. It was 12 months before he recovered of his wounds, and soon after that the capture of Cornwallis put an end to hostilities. His country was free; his blood had contributed to make her so; and now his care was to provide for a young family, and his means, the labor of a body enfeebled by a multitude of wounds. In these circumstances he might have called to his aid each successive son as he became old enough to assist in the labors of the farm. But a nobler resolution had been formed in his mind. He who had fought for liberty saw the field of honor and of riches thrown open under his banner. Talent, and not hereditary right, was to distribute them among the members of the Republic, and he determined to give to his children the means of acquiring what he had not to bestow. Education was to be their Fortune.

Mr. Edward Hempstead received, therefore, a classical education, under the tuition of the Reverend Amos Basset, a gentleman of piety and learning, in the small town of Hebron, in the State of Connecticut. He began the study of the law at about 18 under Sylvester Gilbert, Esq., and finished under Enoch Huntington, Esq., both of Connecticut, and was licensed in the year 1801.

The most appalling period of a young man's life had now arrived. The narrowness of fortune had been sufficiently felt while at school, and while in the studies of the law, but in these situations his expenses were not so great, and individual exertions contributed to the fund which a parent could spare. But in entering upon the practice of the law, additional expenses were incurred, auxiliary labors became

incompatible, and yet for some years the young practitioner has seen little chance of deriving support from his practice. People are unwilling to trust him with business until he has shown himself capable, and he cannot show himself until he shall do business. He must therefore work at his own expense, or sustain situation of hanging (without the appearance of employment) upon the rear of the Bar. It is in this appalling season that a young man needs most the support and encouragement of his friends, lest in despair of overcoming difficulties so great, and impatience under circumstances so mortifying, he abandons all hopes of success, falls back upon his parents to be supported by them, and sink the capital of what has been spent upon him, instead of putting out at a magnificent interest.

Mr. Hempstead had his share of these appalling difficulties, but did not sink under them. In a year's practice in Middlesex, Conn., and two years at Newport, R. I., he had gained a place at the Bar, had acquired practice, and saw the road to competency opening fairly before him.

At this time one of those events occurred which gives to an ardent mind an opportunity of displaying its energy. Louisiana was purchased from the French. Its name sounded like that of a world, but of a world the limits of the habitable globe. How many wished, but would not venture upon the untried experiment of going there? How many failed in the effort to break themselves from the scenes and connections of their childish days, and remained idle upon the spot where the accident of birth had thrown them; a theatre too small for the actors already upon it, while a vast theatre free from players invited them to enter. Mr. Hempstead was not one of these. He took his resolution with such promptitude that he was at Vincennes July, 1804, where he became acquainted with Gov. Wm. H. Harrison. This judge of merit and friend of youth, immediately appreciated the worth of Mr. Hempstead, in the newly ac-



quired province, of which he was for a short time Governor, as an appendage to the government of Indiana. Upon the arrival of Gen. Wilkinson as Governor of Upper Louisiana, these appointments were resigned. Mr. Hempstead believed that he could not hold them with honor. He thought he saw in the civil government of the General the same disposition for absolute authority, and the same expectation of passive obedience in the civil department which prevailed in the military. Mr. Hempstead could not submit to this. He thought differently from the General in many points, and he chose to preserve his independence, and avoid collisions by resigning his appointment, and closely following his profession as a lawyer. With this view he established himself in St. Louis, and by his unremitting attention to business, soon acquired a lucrative practice, and the reputation of an able and upright advocate. He enjoyed the confidence of the successive Governors Lewis, Howard, and Clark, and received important appointments from them, among others that of Attorney-General for Upper Louisiana.

In 1812 the territory of Missouri was admitted to the second grade of territorial government, and became entitled to a delegate in Congress. It was justly considered a most honorable distinction to be the *first Delegate in Congress from the West Bank of the Mississippi*, and Mr. Hempstead had the felicity to be the choice of his fellow citizens on that occasion. He served his period of two years, having obtained the passage of some laws of great importance for the adjustment of land claims, and for the defense of the exposed frontier of the Missouri Territory. Having accomplished these objects he declined a re-election, returned to the practice of law, and the duties of a good citizen. In this latter capacity he showed his disposition to be useful to his country by accepting inferior stations, after having voluntarily retired from the highest which the vote of his

fellow-citizens could confer upon him. He went out in several expeditions to protect the frontiers from the Indians during the war which followed, and afterwards served in the General Assembly of the Territory, of which he was elected Speaker in the popular branch.

Soon after his settlement in St. Louis Mr. Hempstead married into one of the most respectable families of the place, but left no surviving issue. His private life was an example of all that is desirable in the character of husband, father, and neighbor. In that of son and brother he had but few parallels. No sooner did he find himself established in his new residence in Missouri, than his filial affections went in search of his parents and relatives, whom he had left in Connecticut, when setting out to lay the foundation of his own fortune in a country so remote and so little known. He brought them to Missouri, established his aged parents in a comfortable home, and extended the assistance of a father to his brothers and sisters. Traits of this kind display the heart; they show the material of which it is made, and speak a higher eulogy than the tongue or pen of friendship can confer.

In 1817, in the meridian of his usefulness, when his fellow-citizens were looking to his further services in the eventful period which was soon to follow,—the establishment of a State government in Missouri,—Mr. Hempstead's life was suddenly terminated by a fatal illness. He died on the 10th of August, and was interred on the 13th. The most numerous concourse ever seen in our country, upon such an occasion, followed his remains to the grave, and the spontaneous feeling expressed by all showed that the public felt that the country had sustained an irreparable loss in the death of such a citizen.





